

Remarks/Arguments:

Claims 23-42 are pending.

Double Patenting Rejection

Claims 23-42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,622,604. The applicants respectfully disagree, but submit that the enclosed terminal disclaimer overcomes this rejection.

Rejections under 35 U.S.C. § 102

Claims 23-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hyodoh et al (U.S. Patent No. 6,409,750 -- "Hyodoh"). Claims 23, 39 and 41 are also rejected under 35 U.S.C. § 102(b) as being anticipated by Andersen et al. (U.S. Patent No. 5,366,504 -- "Andersen"). The applicants respectfully traverse these rejections. The applicants claim a process for constructing a *braided* stent, comprising braiding a first section *using a first braiding machine* for accommodating a first number of bobbin carries and braiding a second section *using a second braiding machine* for accommodating a second number of bobbin carries different than the first number.

Andersen can immediately be eliminated from further consideration because Andersen only discloses a *knitted* stent, which is known by those skilled in the art to be constructed by a process that is different from a braiding process. Accordingly, Andersen's disclosure of a knitting process does not read on the applicants' claimed braiding process.

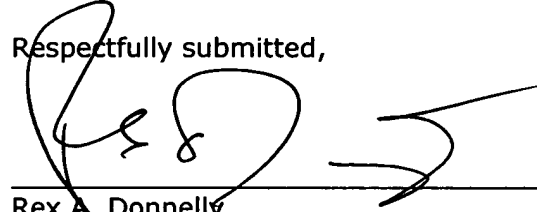
Hyodoh, on the other hand, does describe a braiding (termed "weaving" by Hyodoh) process that is generally analogous to the applicants' claimed process. Although the passages from Hyodoh cited by the Office Action do not describe the manufacturing process, the relevant passages can be found in column 15, line 25 through column 17, line 17. Significantly, however, nowhere does Hyodoh disclose the use of a first braiding machine for accommodating a first number of bobbins to create one section of the braided stent, and a second machine for accommodating a second number of bobbins to create another section. In fact, Hyodoh implies the use of two *identical* machines for construction of the stent. See column 16, lines 45-47. ("Once the legs have been weaved, one of the weaving machines used to weave one of the legs may be utilized to continue weaving the common body of the stent.")

Creating a stent using two different machines, each for accommodating a different number of bobbin carries as claimed by the applicants, results in a stent having a unique structure. For example, as noted in the specification on page 21, the process of using multiple machines having different numbers of carriers may be used to create a stent having a 1:1 braiding ratio throughout, a 2:2 ratio throughout, or a 2:2 ratio in the legs and a 1:1 ratio in the trunk. This can be contrasted with the exemplary process described in the applicant's specification for using the same machine for the legs and the trunk, in which the braiding machine at full capacity is used for braiding the trunk section and at half capacity for braiding each leg. This single-machine process results in each leg having a 1:1 ratio (see p. 14, lines 8-17) and the trunk having a 2:2 ratio (see p. 19, lines 29-31).

Thus, the manufacturing process described in Hyodoh is inherently different from the applicant's claimed process, and results in a stent that is structurally different from those claimed by the applicant in its product-by-process claims 39-42. Hyodoh nowhere describes processes for achieving a particular braiding ratio in a particular sections of a stent, and, in fact, fails to describe braiding ratios at all. The figures of Hyodoh also fail to illustrate the over/under configurations that result from each of the various braiding ratios. Accordingly, Hyodoh fails to teach or suggest the applicants' claimed invention, and the rejections should be withdrawn.

For all of the above reasons, the applicants respectfully submit that the all of the rejections should be withdrawn and all of the pending claims allowed. Reconsideration and favorable action is earnestly solicited. The Examiner is invited to call the applicants' undersigned representative if it is believed that any amendment or discussion may expedite the prosecution of the application, or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner.

Respectfully submitted,



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Dated: February 18, 2005

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